

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2 (c)  
Robert C. Nisenson, LLC  
10 Auer Court  
East Brunswick, New Jersey 08816  
(732-238-8777  
Robert C. Nisenson, Esq.  
Attorneys for Debtor  
RCN 6680

In the Matter of  
  
DARYL SMITH

DEBTORS



Order Filed on January 3, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 18-10180

Judge: VFP

**ORDER TO APPROVE CREDITORS MODIFICATION AGREEMENT**

The relief set forth on the following pages, numbered two (2) through 3 is hereby **ORDERED**.

**DATED: January 3, 2019**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
United States Bankruptcy Judge

**ROBERT C. NISENSEN, L.L.C.**  
10 Auer Court  
East Brunswick, New Jersey 08816  
(732) 238-8777  
Attorneys for Debtors  
Robert C. Nisenson, Esq.  
Attorney No.: RCN 6680

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

<b>In Re:</b>	:	Case #: 18-10180 VFP
	:	
<b>DARYL SMITH</b>	:	Chapter 13
	:	
	:	<b>ORDER TO APPROVE</b>
<b>Debtors.</b>	:	<b>MODIFICATION AGREEMENT</b>
	:	

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This matter having been opened to the Court upon motion of Daryl Smith, by and through their attorneys, **ROBERT C. NISENSEN, L.L.C.**, seeking an Order to approve a Loan Modification Agreement, Ocwen Loan Servicing and the Debtor appearing by its counsel and the Court having considered all supporting and opposing Affidavits, and Briefs, if any; and good cause appearing for the entry of this Order;

**ORDERED** the Debtors and Ocwen Loan Servicing are authorized to enter into the Loan Modification Agreement and it is further;

**ORDERED** in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Secured Creditor shall amend the arrearage portion of its proof of claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification; and it is further

**ORDERED**, that the Chapter 13 Trustee shall suspend disbursements to Secured Creditor pending completion of loan modification and all money that would otherwise to be paid to Secured Creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the Secured Creditor that the modification was not consummated; and it is further

**ORDERED**, in the event the modification is not consummated, the Secured Creditor shall notify the Trustee and Debtor's Attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to Secured Creditor; and it is further

**ORDERED**, in the event the proof of claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan; and it is further

**ORDERED**, Debtors shall file an amended Schedule J and Modified Plan within twenty (20) days of this Order; and it is further

**ORDERED**, that the Secured Creditor will reduce their proof of claim within 20 days, otherwise Debtors will have to file a Motion to Reduce the Claim and will charge the creditor \$400.00 for the filing of said motion.

**ORDERED** that a copy of this Order shall be served upon all parties within 3 days of the date hereof.

**Certificate of Notice Page 4 of 4**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Daryl L Smith  
 Debtor

Case No. 18-10180-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Jan 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 06, 2019.

db +Daryl L Smith, 92A Roland Avenue, South Orange, NJ 07079-1822

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 06, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 4, 2019 at the address(es) listed below:

Aleisha Candace Jennings	on behalf of Creditor	Ocwen Loan Servicing, LLC ajennings@rasflaw.com
Aleisha Candace Jennings	on behalf of Creditor	Deutsche Bank Trust Company Americas ajennings@rasflaw.com
Aleisha Candace Jennings	on behalf of Creditor	Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 ajennings@rasflaw.com
Denise E. Carlon	on behalf of Creditor	U.S. Bank National Association, successor indenture trustee to Bank of America, N.A., successor by merger to LaSalle Bank National Association, as Indenture trustee for Home Equity Loan Trust 2007-HS dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin M. Buttery	on behalf of Creditor	Deutsche Bank Trust Company Americas bkyefile@rasflaw.com
Kevin M. Buttery	on behalf of Creditor	DEUTSCHE BANK NATIONAL TRUST COMPANY bkyefile@rasflaw.com
Laura M. Egerman	on behalf of Creditor	DEUTSCHE BANK NATIONAL TRUST COMPANY bkyecf@rasflaw.com, bkyecf@rasflaw.com; legerman@rasnj.com
Marie-Ann Greenberg		magecf@magtrustee.com
Rebecca Ann Solarz	on behalf of Creditor	U.S. Bank National Association, successor indenture trustee to Bank of America, N.A., successor by merger to LaSalle Bank National Association, as Indenture trustee for Home Equity Loan Trust 2007-HS rsolarz@kmlawgroup.com
Robert C. Nisenson	on behalf of Debtor Daryl L Smith	rnisenon@aol.com, nisenonlaw@aol.com; g2729@notify.cincompass.com; nisenonrr70983@notify.bestcase.com
Sindi Mncina	on behalf of Creditor	DEUTSCHE BANK NATIONAL TRUST COMPANY smncina@rascrane.com
U.S. Trustee		USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12